UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

STEPHANIE K. DUNCAN,
MICHAEL A SCHRAMEL,
PAUL M. LOCKWOOD,
KEITH A. BERNARD, and
STEVEN G. ISAACSON,
Petitioner,

v.

THE HONORABLE SKIPPER PEARSON,
JUDGE OF STEARNS COUNTY,

Respondent.

Civil No. 00-2134 (MJD/SRN)

ORDER DIRECTING RESPONDENT TO SHOW CAUSE WHY WRIT SHOULD NOT BE GRANTED

Petitioners have filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, claiming that they have been convicted of crimes under Minnesota law in violation of their rights under the United States Constitution.

Respondent is directed to make a return in writing within 20 days from the date of this order, certifying the true cause and propriety of Petitioners' convictions, and showing cause why the writ should not be granted.

The return shall be filed with the Court and shall include:

1. Such affidavits and exhibits as are needed to establish the lawfulness of Petitioner's confinement;

2. A reasoned memorandum of law and fact explaining why Respondent believes the writ should not be granted, and setting forth Respondent's recommendation as to whether an evidentiary hearing should be conducted in this matter;

FILED SEP 29 2000
FRANCIS E. DOSAL, CLERK
JUDGMENT ENTD________
DEPUTY CLERK________

3. A certified copy of such of the following as may be material to the issues raised by the petition: the Indictment, the plea, the judgment, the trial record, or, if the petitioner pleaded guilty, a transcript of the proceedings at which he pleaded guilty, as well as any other written materials that may be germane to the issues presented in the petition.

If Respondent believes that he is not the proper party to respond to the petition, he may move the Court to dismiss the petition against him on such grounds, in lieu of filing the return required by this order.

Based on the foregoing, and all of the files, records, and proceedings herein,

IT IS HEREBY ORDERED that:

Within 20 days after the date of this order, Respondent shall file a written return to Petitioner's application for a writ of habeas corpus consistent with the terms of this order, or, in the alternative, a motion to dismiss the petition on the grounds that he is not a proper party to respond to the petition.

Dated: September 29, 2000

Susan Richard Nelson
SUSAN RICHARD NELSON
United States Magistrate Judge